


WHAT IS CLAIMED IS:

1. A DNA molecule comprising a nucleic acid selected from the group consisting of a nucleic acid comprising a nucleotide sequence as set forth in SEQ ID NO:1 and a nucleic acid comprising a nucleotide sequence as set forth in SEQ ID NO:2.
- 5 2. The DNA molecule of claim 1, wherein said nucleic acid comprises a nucleotide sequence as set forth in SEQ ID NO:2.
3. A DNA molecule comprising a first nucleic acid selected from the group consisting of a nucleic acid comprising a nucleotide sequence as set forth in SEQ ID NO:1 and a nucleic acid comprising a nucleotide sequence as set forth in SEQ ID NO:2 operably linked to a second nucleic acid selected from the group consisting of a structural gene or antisense DNA
- 10 4. The DNA molecule of claim 3, wherein said first nucleic acid comprises a nucleic acid comprising a nucleotide sequence as set forth in SEQ ID NO:2.
- 5 5. The DNA molecule of claim 3, wherein said second nucleic acid is capable of conferring a selected agronomic trait to a plant. 
6. The DNA molecule of claim 5 wherein said agronomic trait is herbicide resistance.
7. The DNA molecule of claim 5 wherein said agronomic trait is insect resistance.
8. The DNA molecule of claim 5 wherein said agronomic trait is disease resistance.
9. The DNA molecule of claim 5 wherein said agronomic trait is drought tolerance.
- 20 10. The DNA molecule of claim 5 wherein said agronomic trait is salt tolerance.
11. The DNA molecule of claim 5 wherein said agronomic trait is yield.

12. The DNA molecule of claim 3, wherein said second nucleic acid encodes a selectable marker.
13. The DNA molecule of claim 3 which further comprises a third nucleic acid selected from the group of an enhancer and an activating element, said third nucleic acid positioned upstream of said first nucleic acid.
14. A transformed plant cell comprising the DNA molecule of claim 3.
15. A transformed plant cell comprising the DNA molecule of claim 4.
16. A transformed plant cell comprising the DNA molecule of claim 5.
17. A transformed plant cell comprising the DNA molecule of claim 6.
18. A transformed plant cell comprising the DNA molecule of claim 7.
19. A transformed plant cell comprising the DNA molecule of claim 8.
20. A transformed plant cell comprising the DNA molecule of claim 9.
21. A transformed plant cell comprising the DNA molecule of claim 10.
22. A transformed plant cell comprising the DNA molecule of claim 11.
23. A transformed plant cell comprising the DNA molecule of claim 12.
24. A transformed plant cell comprising the DNA molecule of claim 13.
25. A transformed plant comprising the DNA molecule of claim 3.
26. A transformed plant comprising the DNA molecule of claim 4.

27. A transformed plant comprising the DNA molecule of claim 5.
28. A transformed plant comprising the DNA molecule of claim 6.
29. A transformed plant comprising the DNA molecule of claim 7.
30. A transformed plant comprising the DNA molecule of claim 8.
- 5 31. A transformed plant comprising the DNA molecule of claim 9.
32. A transformed plant comprising the DNA molecule of claim 10.
33. A transformed plant comprising the DNA molecule of claim 11.
34. A transformed plant comprising the DNA molecule of claim 12.
35. A transformed plant comprising the DNA molecule of claim 13.
- 10 36. A method for preparing a hybrid promoter which comprises the steps of:
- (a) comparing the sequence of a promoter with known nucleic acid sequences;
 - (b) selecting segments of said known nucleic acid sequences similar to segments of the promoter sequence;
 - (c) aligning the selected segments in linear order on the basis of the promoter to derive a first hybrid promoter;
 - (d) constructing a first hybrid promoter; and
 - (e) testing the first hybrid promoter for activity.
- 15 37. The method of claim 36, wherein the selected segments have between 60% and 100% sequence identity with segments of the promoter.

38. The method of claim 36, which further comprises the steps of:

- (f) modifying the sequence of the first hybrid promoter which does not have maintained or improved activity compared to the promoter to produce a second hybrid promoter; and
- (g) testing the hybrid promoter for activity.

39. The method of claim 38, wherein steps (f) and (g) are repeated until a hybrid promoter is produced which has maintained or improved activity compared to the promoter.

40. The method of claim 36, wherein at least 15% of the promoter sequence has been replaced in the hybrid promoter.

41. The method of claim 38, wherein at least 15% of the promoter sequence has been replaced in the hybrid promoter.

42. The method of claim 39, wherein at least 15% of the promoter sequence has been replaced in the hybrid promoter.